

## Pt. 1010

- Even if you do not elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

### E. Enforcement

- The U.S. Department of Labor, Veterans' Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.

For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its Web site at <http://www.dol.gov/vets>. An interactive online USERRA Advisor can be viewed at <http://www.dol.gov/elaws/userra.htm>.

- If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.

- You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the Internet at this address: <http://www.dol.gov/vets/programs/userra/poster.htm>. Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees. U.S. Department of Labor, Veterans' Employment and Training Service, 1-866-487-2365.

[73 FR 63632, Oct. 27, 2008]

## PART 1010—APPLICATION OF PRIORITY OF SERVICE FOR COVERED PERSONS

### Subpart A—Purpose and Definitions

Sec.

1010.100 What is the purpose and scope of this part?

1010.110 What definitions apply to this part?

### Subpart B—Understanding Priority of Service

1010.200 What is priority of service?

1010.210 In which Department job training programs do covered persons receive priority of service?

1010.220 How are recipients required to implement priority of service?

1010.230 In addition to the responsibilities of all recipients, do States and political

## 20 CFR Ch. IX (4–1–10 Edition)

subdivisions of States have any particular responsibilities in implementing priority of service?

1010.240 Will the Department be monitoring for compliance with priority of service?

1010.250 Can priority of service be waived?

### Subpart C—Applying Priority of Service

1010.300 What processes are to be implemented to identify covered persons?

1010.310 How will priority of service be applied?

1010.320 Will recipients be required to collect information and report on priority of service?

1010.330 What are the responsibilities of recipients to collect and maintain data on covered and non-covered persons?

AUTHORITY: Pub. L. 109-461 (Dec. 22, 2006), section 605 [38 U.S.C. 4215 Note]; 38 U.S.C. 4215.

SOURCE: 73 FR 78142, Dec. 19, 2008, unless otherwise noted.

### Subpart A—Purpose and Definitions

#### § 1010.100 What is the purpose and scope of this part?

(a) Part 1010 contains the Department regulations implementing priority of service for covered persons. Priority of service for covered persons is authorized by section 2(a)(1) of JVA (38 U.S.C. 4215). These regulations fulfill section 605 of the Veterans Benefits, Health Care, and Information Technology Act of 2006, Pub. L. 109-461 (Dec. 22, 2006), which requires the Department to implement priority of service via regulation.

(b) As provided in § 1010.210, this part applies to all qualified job training programs.

#### § 1010.110 What definitions apply to this part?

The following definitions apply to this part:

*Covered person* as defined in section 2(a) of the JVA (38 U.S.C. 4215(a)) means a veteran or eligible spouse.

*Department or DOL* means the United States Department of Labor, including its agencies and organizational units and their representatives.

*Eligible spouse* as defined in section 2(a) of the JVA (38 U.S.C. 4215(a)) means the spouse of any of the following: